



## PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P & P 40-6	Subject: <b>CASE RECORDS MANAGEMENT</b>
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Signature: /s/ Mary Fay	Revision Date: 11/29/01
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**I. BUREAU DIRECTIVE:** The Probation and Parole Bureau will maintain separate files for each offender under the jurisdiction of the Bureau. This procedure outlines the methods for establishing and maintaining offender records.

**II. AUTHORITY:**

53-1-203, MCA. *Duties and Responsibilities of the Department of Corrections*  
DOC 1.5.6, *Offender Records Access and Release of Information*  
DOC 1.5.8, *Offender Records Retention and Destruction*  
DOC 1.5.5 *Case Records Management*  
M.O.M., *Vol. 1, Chapter 1-0800*  
2-6-201 through 2-6-213 & 2-15-1013, MCA. *Public Records Management Act*

**III. DEFINITIONS:**

**Central Office File** is an automated or hard copy record that is maintained in the Central Office on each offender under the jurisdiction or responsibility of the Interstate Compact Unit.

**Offender Field File** is an automated or hard copy record that is created and maintained in the field offices that consists of legal documents, reports, submissions, statements and support materials used to make decisions about the offender in regard to custody, classification, treatment programs, supervision, parole, probation and general case management. The Board of Pardons and Parole uses the identical field file for those offenders who are incarcerated and awaiting parole or discharge. The BOPP maintains this file and sends it to the appropriate P&P Officer when the offenders is paroled or discharged from a facility.

**IV. PROCEDURES:**

**A. Central Office File**

The Interstate Compact Unit staff uses offender files to transfer the supervision or responsibility of probationers and parolees entering or leaving the State of Montana.

These files have been transferred from the field or BOPP and will be maintained according to P&P 40-3, Uniform File Organization for Probation and Parole Field Files.

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In addition to Interstate Compact transfer and supervision activities, these files are used for workload analysis of Interstate Compact and Probation and Parole staff, to determine release from supervision dates on offenders, location of offenders, conducting research and statistical reports, and providing historical information for selected requests.

The Deputy Compact Administrator is responsible establishing and maintaining the central file system. Immediately following the referral of an offender, the Interstate unit will examine the offender's judgment(s) and other relevant documents to ensure compliance with Interstate Compact regulations, procedures and statutes.

## **B. Offender Field Files**

Offender field files for adult offenders will be formally established at the time of sentencing to the Department.

Offender case files are the primary record on all adult offenders. These records contain the complete sentencing/referral documents that authorize the Department and the Bureau to maintain legal custody and/or supervision of offenders. These files are used on a daily basis for routine case management and for making decisions about offenders in regard to placements, custody, classification, treatment and supervision. Adult offender case files will be standardized and contain the documents listed in P&P 40-3, Uniform File Organization for Probation and Parole Field Files.

The field file is sent to the BOPP when the offender is an inmate as a new prison commitment, DOC Commitment or Probation or Parole violator returned to custody.

## **C. File Storage and Security Issues**

1. All Interstate Compact and field files will be kept in a secure office or secure file cabinet.
2. Files will be maintained in alphabetical order for easy reference.
3. All incoming file material will be placed in the file in a timely manner, but in all cases within 60 days.
4. Any file removed from an office by a DOC staff member other than those employed in the office must be signed out by the DOC staff member. When a person not employed by the Department removes the file from an office, a staff member and the person taking the files must sign out the file. If the office staff member removes the file from the office for delivery to another person, the staff member must sign the file out. The name and agency of the person receiving the file, date, purpose and destination of the file is documented.

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A record of the date a file is transferred to the BOPP shall also be kept. Each office shall have a master log that is used specifically for recording out of office file transfers or movements.

4. Records in use will be directly supervised and controlled by a staff member. No unauthorized person will have access to offender records. Only staff with a "need to know" will have access to offender files.

**E. Record Entries/Chronological Entries**

Record entries and filing will be accomplished in a timely fashion. Most record entries and filing should be accomplished within the workday and no later than the workweek. These entries and filings must be accomplished promptly because other staff may need access to information to perform duties relative to the supervision of an offender. Chronological entries should be entered in a timely fashion. If chronological entries are not entered by computer and are hand written, they must be legible. The officer entering the chronological must legibly sign his/her name on each page and initial each entry.

**F. Confidential Files**

Confidential or investigative files may be identifiable as to individual offenders, but will be maintained separate from Interstate and offender case file records. Confidential or investigative files should not be combined with other file information and they may not be reviewed under any freedom of information procedure. Confidential offender files would be on offenders whose case may be particularly sensitive and require restricted and controlled access to avoid breaches of confidentiality or to protect the offender or others. Investigative files would be files established through the course of an internal DOC or external law enforcement investigation conducted as the result of allegations of employee misconduct in the performance of supervision duties. The Regional Administrator or designee and the P&P Bureau Chief in consultation with the legal unit will determine which files will be designated confidential or investigative, whether the designation is temporary or permanent and where the file will be stored.

**G. Release of File Information**

1. Release of Central Office and offender field case file information will be strictly limited to conform to policy DOC 1.5.6, Records Access and Release, P&P 40-1 Offender Records and Release, and appropriate federal and State statutes.
2. For the purposes of this procedure and for production of such records in court, the Director, Probation and Parole Bureau Chief and Regional Administrators or designee are the official custodians of all offender records.
3. Central Office and offender field files will only be available to Department staff on a "need-to-know" basis. No file material will be removed from the Interstate Compact

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Unit, a field office, or produced for any outside authority without written application or court order and the approval of the Probation and Parole Bureau Chief.

4. Offenders may make written requests to review file materials and may be granted access to review non-confidential portions of their own file. All information to be provided to an offender from his/her own files will be carefully evaluated by a supervisory employee to ensure that release of information will not endanger either the offender or others. The offender and the supervising staff member will sign and date the request.
5. An offender may request permission to grant authorization for review of his/her file by an Attorney of Record, or other person authorized by statute. Bureau approval for review of offender case file information will be made on a case-by-case basis. An offender consenting to the release of information from his/her file will be required to sign an "Authorization for the Release Information" form provided for that purpose. This form will be devised and maintained in current form by the Department legal unit.
6. Offender material that is marked "confidential" will not be included in file material made available to the Attorney of Record, or other non-Departmental sources, without the permission of the Probation and Parole Bureau Chief.
7. Offenders will not be permitted access to the files of other offenders under any circumstances.

#### **H. Records Retention and Destruction**

The retention and destruction of all offender records will comply with P&P 40-7, Offender Records Retention and Destruction. The Bureau will maintain, at each of its locations maintaining offender records, a perpetual record of all offenders, offender files, and the status and final disposition of those files.

- V. **CLOSING:** Questions concerning this procedure shall be directed to the Regional Administrator or designee.